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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,703	09/12/2003	Yoshihide Hamaguchi	Q77468	7688
23373	7590	06/27/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/660,703	HAMAGUCHI ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jacques H. Louis-Jacques	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>05042004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Abstract***

1. The abstract of the disclosure is objected to because “a map storing unit”, in lines 3-4 (or lines 5-6 as numbered), is a repetition. It appears that the second occurrence of “a mp storing unit” should have been “a control information storing unit”. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claims 1, 5 and 7 are objected to because of the following informalities:

In claim 1, in order to distinguish the wherein clause from the claim components, applicant is suggested to change “;” to --,-- in lines 10, 12 and 15. Appropriate correction is required.

Also, in claim 5, “;” should be changed to --,-- in lines 5, 8, 10, 13, 15, and 18.

In claim 7, line 13, “,” should be changed to --;--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 4, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3661

In claim 3, the recitation "wherein the map updating unit updates the map information with a map update unit..." is not clear.

In claim 5, line 5, "a map storing unit" is a repetition.

Claim 5 recites the limitation "the control information storing unit" in line 11. There is insufficient antecedent basis for this limitation in the claim.

It appears that "a map storing unit" (second occurrence) in line 5 should have been "a control information storing unit".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirano et al [6,879,909].

Hirano et al discloses a map display control apparatus, map information update apparatus, map information update system and control thereof. According to Hirano et al, there is provided terminal device (e.g., 102, 123, figures 2 and 3), a communication unit (e.g., 111, 112) configured to transmit information to an information center and to receive

information from the information center (e.g., 101, 112, abstract, figures 2 and 3), a map storing unit configured store map information received by the communication unit (e.g., figure 1), and a control information storing unit configured to store control information associated with the map information and received by the communication unit (e.g., abstract, figures 1, 3). See also columns 1 and 2. Hirano et al also discloses a measuring unit for measuring and determining the current position of a vehicle (figure 1, column 2). Hirano et al further discloses a computer program product for the map distributing system and an updating method of map control information for the map distributing system (column 3). According to Hirano et al, the control information is transmitted to the information center every prescribed timings, the communication unit receives latest control information which the information center transmits in response to the transmitted control information, and the control information stored in the control information storing unit is rewritten to the latest control information (columns 2-4). In addition, Hirano et al discloses a map updating unit (figure 3) configured to update the map information stored in the map storing unit (columns 2-4), wherein the map updating unit refers to the control information stored in the control information storing unit to determine information included in the map information to be updated (columns 3-4).

As to claims 3 and 4, as best understood by the examiner, Hirano et al discloses a map updating unit for updating the map information stored in the map storing unit (abstract, figure 3, columns 2 and 3), wherein the map updating unit updates the map information with a map update unit including at least one of minimum unit map group capable of

being updated and the control information is administered with a file for each map update unit (columns 3 and 7).

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al [6,334,087].

Nakano et al discloses a system, method, and computer program for providing map information from a server to movable terminals. According to Nakano et al, there is provided a terminal device (movable terminal, figure 1), a communication unit (e.g., 8, 18) configured to transmit information to an information center and to receive information from the information center (e.g., figures 1 and 2, column 10), a map storing unit configured store map information received by the communication unit (e.g., 6), and a control information storing unit configured to store control information associated with the map information and received by the communication unit (e.g., 4, column 10).

Nakano et al also discloses a measuring unit for measuring and determining the current position of a vehicle (e.g., 1, column 9). Nakano et al further discloses a computer program product for the map distributing system and an updating method of map control information for the map distributing system (columns 4 and 7-8). According to Nakano et al, the control information is transmitted to the information center every prescribed timings, the communication unit receives latest control information which the information center transmits in response to the transmitted control information, and the control information stored in the control information storing unit is rewritten to the latest control information (columns 3 and 6). In addition, Nakano et al discloses a map updating unit (figures 3 and 11) configured to update the map information stored in the map

Art Unit: 3661

storing unit, wherein the map updating unit refers to the control information stored in the control information storing unit to determine information included in the map information to be updated (column 22). See also columns 3, 7, 8, 9, 13-14.

As to claims 3 and 4, as best understood by the examiner, Nakano et al discloses a map updating unit for updating the map information stored in the map storing unit, wherein the map updating unit updates the map information with a map update unit including at least one of minimum unit map group capable of being updated and the control information is administered with a file for each map update unit (columns 15 and 16).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,330,453	Suzuki et al	Dec. 2001
6,584,402	Fukushima et al	Jun. 2003
US 20040054467	Sakai et al	Mar. 2004
US 20040172192	Knutson	Sep. 2004
US 20050015199	Lokshin et al	Jan. 2005

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER